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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,604	01/20/2004	Earl O. Bergersen	BER-P-03-060	9955
29013 75	590 05/24/2006		EXAM	INER
PATENTS+TMS, P.C.			MANAHAN, TODD E	
2849 W. ARMITAGE AVE. CHICAGO, IL 60647		ART UNIT	PAPER NUMBER	
			3732	
			DATE MAILED: 05/24/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/760,604	BERGERSEN, EARL O.	
Examiner	Art Unit	
Todd E. Manahan	3732	

	Todd E. Manahan	3732					
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence address					
THE REPLY FILED 15 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	ving replies: (1) an amendment, aff tice of Appeal (with appeal fee) in c	idavit, or other evidence, which compliance with 37 CFR 41.31; or (3)					
a) The period for reply expiresmonths from the mailing b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (b)	dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing	g date of the final rejection.					
TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	``	20(-) and the constraint automates for					
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig than three months after the mailing da	of the fee. The appropriate extension fee inally set in the final Office action; or (2) as					
 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the appeal. Since					
AMENDMENTS 2. M. The proposed amendment(s) filed after a final rejection.	but prior to the data of filing a brief	will not be entered because					
 The proposed amendment(s) filed after a final rejection, (a) ☐ They raise new issues that would require further co (b) ☐ They raise the issue of new matter (see NOTE belo 	nsideration and/or search (see NO						
(c) They are not deemed to place the application in being appeal; and/or							
(d) They present additional claims without canceling a		ected claims.					
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1		and the state of t					
4. Applicant's reply has evergene the following rejection(s)		ompliant Amendment (PTOL-324).					
 5. Applicant's reply has overcome the following rejection(s) 6. Newly proposed or amended claim(s) would be all non-allowable claim(s). 		timely filed amendment canceling the					
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is protected. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1,3-15,18-24,26-29,31-41,44-68 and 76 Claim(s) withdrawn from consideration:	vided below or appended.	II be entered and an explanation of					
AFFIDAVIT OR OTHER EVIDENCE							
8. The affidavit or other evidence filed after a final action, bubecause applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).							
D. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).							
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER							
11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:							
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 13. Other: See Continuation Sheet.							
13. 23 Other. See Continuation Sheet.	. //,	Will for					
		Todd E. Manahan Primary Examiner Art Unit: 3732					

Continuation of 3. NOTE: the recitation in claim 1 of the second material moving at least one of the upper or lower teeth would require further consideration and/or search. The recitation in claim 5 of the interior surface preventing reline material from disengaging from the U-shaped base would require further consideration and/or search and may also constitute new matter. The amendment to claim 7wherein the upper occlusal surface is movable relative to the lower occlusal surface would require further consideration and/or search. It is to be noted that these are just a few instances of new issues raised..

Continuation of 13. Other: In response to applicant's argument that the IDs filed 03 January 2006 was proper and thus should be considered, because the foreign documents are readily available to the Patent Office it is to be noted that 37 CFR 1.98 (a)(2) requires a legible copy of each foriegn patent. Applicant's remarks state that a new IDs was filed, however no such IDS has been received. Applicant is reminded that any IDS filed must comply with 37 CFR 1.97 and 37 CFR 1.98.